App. F. IX-4

Previous References

1931
(Mayrai)

File No. 308-31

Serial Nos. 1 – 6

Later References

General and Revenue Secretariat.

Serial Nos. 6.

Part B for March 33.

SUBJECT.

Appeal re payment of gutta amount - payable to the Sri Nageswara Swami temple at Navile village

Messrs Nagappa & M. Narasimhiah
No. 6. of Navile village Bagur Hobli
Channarayapatna Taluk

No. 1341 of 16 3 - 33.

States that there are no reasons to reconsider the orders already passed

AS --2

Muzabtol 250f 31-32

[App. F. III—2

General and Revenue Secretariat | Muz File No. 308 of 1931-32

Serial No.

Petition of 25.6.32 filed by Mr. K. Srinivasa Rao Advocate for Messrs M. Nagabhooshanam and Narasimhaiah of Nuzvid Village. Bagam Mandal Chandanagarama Taluk appealing against the decision of the Muzrai Commissioner in the matter of the payment of the gudda amount payable by the Appellants to Sri Nageswara Swamy Temple at the Place.

The petition is duly stamped & proper in time.

The Commissioner records in his proceedings dt. 9/5/32 & also additional information is needed for approval or otherwise. The acknowledgement of the Asst Magistrate is also necessary.

Dt. 27/6

Draft for approval.

27/6/32

(Sri Swamy)
1st Member)

27/6/32

Acknowledgement card

Copy to the Advocate, Guntur, No. dt. 5.7.32

No 799 of 8.7.32 to the Muzrai Commissioner calling for a detailed report on the petition & also the Counter Statement.

Letter no C 33/32-33 of 14.9.32 from the Muzrai Commissioner.

FINANCE 5 JULY 1932 No. 129

6 JUL. 1932

GENL. REV. SECT. 1 JUL 1932 MADRAS

NOTE—Contn. Sheet

WD 70—GBPM—60,000—13-8-31

File No. of 1931. | General and Revenue Secretariat

Submitting records relating to the appeal preferred by Messrs M. Nagappa and M. Narasimhaiya of Navile Village Channarayapatna Taluk and also submitting a report as to the merits of the Case —

As seen from the Amildar's letter dated 5/2/31, the following S. Nos of the suit lands were taken by the appellants for Panchasal Gulla.

S Nos 27 Rs 40-0-0
132 " Rs 20-0-0 } By Mr Nagappa.
263 " Rs 18-0-0

S. No 40 Rs 40-0-0
182 35-0-0 } Mr Narasimhaiya
77 30-0-0

From the Mahazar drawn before Y C. The Rev. Insp^r on 22/1/31 (certain residents of the Village as also the Dharkasdars of the Insp^r have attested the Mahazar), it is seen that S. No 132 taken by Nagappa & 77 said to be by Narasimhaiya have been barren since. on 23/1/31 Of these the cultivation of Gulla in respect of these was not examined. S.
It has been reported by the Rev. Insp^r that it is not possible to cultivate the lands —

The local authorities with their local knowledge

Serial No.

The D.C of the Dt. is not been of opinion that
orders in respect of these Nos may be
denied - That the lands have
remained barren has been attributed
to the shade of trees in the adjoining
garden (R 605 603 & 25-cc). [It is probable
that only a portion of the respective
S. Nos might have been affected by the
shade of trees in the garden & not
the entire S. Nos - How much portion
in each S-No has thus been affected
has not been pursued in the
records - The records also do not
throw light if there is only one
garden that affecting these
lands) or a series of gardens
& whether there are other private
holdings adjacent to these
lands which should also equally
be affected -]

~~The Collector~~
~~is requested to direct that the~~
~~Dist Inspector in the appellate affairs~~
~~shall re-inspect and submit a~~
~~report in respect of the Nos~~
~~of the garden in respect of~~
~~the entire portion of~~
~~the lands~~ The entire portion of
the lands in the case may
be visited for a hearing -

~~The RC has~~
~~indicated that~~
~~the report of the~~
~~Collector~~
The RC refused
to grant remission in
the case as recommended
by the DC & confirmed his
assessment. It is against
this order the R.C.
this appeal has been
preferred to Govt.

Kind perusal & orders?

G.S. 4/1

NOTE—Contn. Sheet.

WP 70—GBPM—60,000—13-8-31

Misc Appl 25 of 31-32 re removal of portion of the Panchayat gulla belonging to Sri Nagaraja Adiga of Nandalike Village - Udupi

File No. 3 Secretariat

to portion marked X in the Plan. If is for orders if the case has to be posted for hearing.

7/11/32

Fmi Secy)

2nd MR)

10/11/32

10/11

10 NOV. 1932 No 29 25

1/Ly

11/11

Posted for a hearing on 10th Dec 1932

GS

2/12/11

The Case was Called on 10th Dec 1932. The petitioners were present.

Both parties present + heard. Order reserved

J/10

10/12

I see no reason to modify the order of the Asst Comr 4227

J/10 26/12 KB 27/12

Plaintiff

for perusal before Issue KP

31.12.32

Fmi Secy)

Issue KP

REVENUE SECT 7 JAN 1933 REV. SEC

Misc Review 1805 of 1932-33
re: remission of a portion of the

General and Revenue Secretariat — File No. 308 of 1931. — [App. F. III—2

lease amount of the endowed lands
referred to therein

Serial No.	
4	No 999 of 10.1.33 to the Inspector Commissioner intimating the decision in the appeal case and returning records received from him.
	No 1000 of 10/1/33 to Messrs M. Nagappa and Narasimhaiya of Navile Village Channarayapatna Taluk intimating the orders passed in the appeal preferred by them.
03 19/1	
5	Petition of 17.2.33 filed by Sri B. Sankara Rao Advocate Bangalore city on behalf of the petitioners Nagappa & M- Narasimhaiya of Navile Village Bagur Hobli - Channarayapatna Taluk praying for a review of the decision in misc appl No 25 of 1931-32 in the matter of remitting a portion of the lease amount of lands endowed to Sri Nageshwaraswamy temple at the place.
	23) The petition for a review of decision in misc app 25 of 31-32 & the decision given is as in para 18 supra. Petition is stated to paras 4 to 6 based on records received from the M.C. V. Nos 1321-77 are stated in para 4 of the P.L.S & to be "Arabi Banjar" It is in respect of these V. Nos That the local residents & the Chairman of the Dist Board objected in the meeting of 22/4/31

NOTE—Contn. Sheet.

File No. 3081 of 1931. | General & Secretar

that the Collections of Gulla ring Rs 50/- p.a. be ceased - (Vide para 8 supra).

The Auditor, in S. Dis. the D.C. were all unanimous of opinion that the said sum be remitted, while the M.C. held that it would be a bad precedent for other lessees & that therefore the remission prayed for could not be granted. In the first appeal the Hon. Mr. Hayward here the view taken by the M.C. has been upheld.

x Flag L. the Contractor duly in the

Submitted for orders —

2) Kind reference is invited to paras 16 & 17 supra. It is for orders whether the records are to be called for.

4/3/33

(for Secy)

(Asst. Secy)

26) As 7.3.33

27) Not necessary - Please say that there are no reasons to reconsider the orders already passed

7/3

Submitted as directed —

14/3

No 1341 Dy 16/3/33 to Messrs Nagabba and Co. Narasimhaiya of Narile Village - Channarayapatna Taluk intimating that there are no reasons to reconsider orders already passed in the matter

OFFICE OF THE FIRST MEMBER OF COUNCIL 8 MAR 1933 No. 5805

PING SECTT 14 MAR 1933 & REV SECTT

Serial No.	
	No 1342 & 16/3/33 to Mr B. Shankara Rao advocate for the petitioners intimating the result of the review preferred by him on behalf of his Client.
	No 1343 & 16/3/33 to the Hyderabad Commissioner forwarding copy of the endorsement issued to the petitioners.
B 14/3	

NOTE—Contn. Sheet.

WD 70—GBPM—60,000—13-8-31

COURT FEE ONE RUPEE

COURT FEE EIGHT ANNAS

GENL & REV. SEC. 1518 25 JUN 1932 MUZRAI.

Muz Appl no 25 of 31-32

Mis 308-31-2.

Before the Government
of His Highness the Maha-
raja of Mysore Bangalore

Muzrai Appeal No 25 of 31-32

COURT FEE EIGHT ANNAS

Muz
Presented
by Mr. H. Srinivasa
Rao's advocate with
Vakalat. 25/6/32

Appellants

1) M. Nagatta
2) M. Nara-
Simhaggya
residing in
Varle village
Bagur Hobli
Channara-
yapatna
Taluk

v.

Respondent

Government
per
Sri Nageswara-
swamy Temple
at Varle
Channara-
yapatna Taluk.

Under Section 38 (2) of the Charitable
and Religious endowments Act
the appellants beg to state

The appellants against the order passed the Muzrai commissioner in No D2 Dis 387/31-32 Dated 12-1-1932 declining to order the remission of certain Gutta amount due to the Sree Nageswaraswamy temple at the place.

1) That the lease sale of the Inam lands endowed for the upkeep of Sree Nageswaraswamy temple a minor Muzrai institution in Narle village, Chennarayapatna Taluk for a period of five years commencing from the year 1926-27 to end of 1930-31 was put to auction and the Appellant and his brother Narasimhayya stood as highest bidders at the sale.

2) That as the Appellant had just come back to the village a few months back from Hebbal Farm, where he was studying for agriculture he bade at the sale along with his brother Nara-

in time for the remission of the Gutta amount of Rs 50-00 per annum due on these two Survey numbers and the same was personally enquired into by the Amildar.

6) That the learned Amildar drew up a Mahazar of the Villagers, that too, who are very much interested in the affairs of the temple and they stated that the Contention of the Appellant was true.

7) That the learned Amildar inspected the Survey numbers in question, took the Pahani extracts, and after satisfying himself that the lands are unfit for cultivation, recommended the remission of the Gutta amounts in question amounting to Rs 250-00.

8) That the learned Sub-Division Officer duly concurred with the opinion of the Amildar and the Deputy Commissioner was pleased to order that the same ought be brought on

Muhaqqa and knocked down the same for an annual gutta of Rs 183-00, and deposited one year's gutta amount on 21.1.1926.

3) That the Appellant and his brother had bid survey numbers 132 and 77 for an annual gutta of Rs 20-00 and Rs 30-00 respectively at the sale held and that at the time the authorities handed over the possession of the lands, duly confirming the sale, he found that these survey nos are lying banjar unfit for cultivation.

4) That the Appellant tried his level best to bring these lands under cultivation by all processes, because he was trained in the Hebbal Agricultural School and had just then left the School by spending a lot of money but his efforts were in vain.

5) That on seeing the heavy loss sustained by him he began to petition to the autho-

and the Deputy Commissioner have unanimously recommended for remission. The Appellants beg to state that it is not correct to say that this case will create a bad precedent, when on merits the local officers are of opinion that this is a fit case for interference

11) That the order in appeal is otherwise opposed to facts and probabilities of the case

12) Wherefore the Appellants pray that this Hon'ble Government might be pleased to set aside the order of the learned Revenue Commissioner and order remission as prayed for.

13) The order was passed on 12-1-32, but was communicated to the Appellants on 2/3/32, and was probably received by the appellants on 4/3/32. The copy application was filed on 4-3-32 and was ready on 8-4-32, thirty-five days after the date of application.

remission-list instead of remitting the same, as he was not empowered to remit the arrears over Rs 100-00 and accordingly a remission statement was submitted to the Revenue Commissioner for kind sanction.

(j) That due to the misfortune of the Appellant it was ordered by the Revenue Commissioner in No D2 Dis 387 of 31-32 dated 12.1.1932, that the amount cannot be remitted on the presumption that the appellants being local men must have known each land well at the time of bidding and that if the crops failed, it must be due to the negligence on the part of the appellants.

10) That the local responsible officers had satisfied themselves, that the contentions put forth were true, and the Amildar, Sub Division officer

The time taken

for getting the copy ready and the appeal-time being ninety-days, the last date for filing the appeal after the date of receipt will be 8th July 1932. Hence the appeal is in time. The ~~order~~ Cor endorsement dated 2-3-32 containing the order is filed alongwith this appeal.

Bangalore
25/6/32.

H Sreenivasa Rao
Advocate for Appellants

ಇತ್ಯಾದಿ ಅಂಶಗಳನ್ನು ಒಳಗೊಂಡಿರುವ ಅರ್ಜಿಯನ್ನು ಸಲ್ಲಿಸಿದ್ದರು. ಈ ಅರ್ಜಿಯ ಆಧಾರದ ಮೇಲೆ ಸಹಾಯಕ ಆಯುಕ್ತರು ಅರ್ಜಿದಾರರಿಗೆ ಸಾಗುವಳಿ ಚೀಟಿಯನ್ನು ನೀಡಿದ್ದರು. ಅರ್ಜಿದಾರರು ಸಾಗುವಳಿ ಚೀಟಿಯಲ್ಲಿ ನಮೂದಿಸಿರುವ ಸರ್ವೆ ನಂಬರ್‌ಗಳಲ್ಲಿ ಒಟ್ಟು 27 ಎಕರೆ 32 ಗುಂಟೆ 263 ಚದರ ಅಡಿ ಜಮೀನನ್ನು ಸಾಗುವಳಿ ಮಾಡಿಕೊಂಡು ಬಂದಿದ್ದರು. ಸಾಗುವಳಿ ಚೀಟಿಯಲ್ಲಿ ನಮೂದಿಸಿರುವ ಸರ್ವೆ ನಂಬರ್‌ಗಳಲ್ಲಿ ಒಟ್ಟು 132 ಎಕರೆ 77 ಗುಂಟೆ ಜಮೀನನ್ನು ಅರ್ಜಿದಾರರು ಸಾಗುವಳಿ ಮಾಡಿಕೊಂಡು ಬಂದಿದ್ದರು. ಅರ್ಜಿದಾರರು ಸಾಗುವಳಿ ಮಾಡಿಕೊಂಡು ಬಂದಿದ್ದ ಜಮೀನಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ 1926-27 ನೇ ಸಾಲಿನಿಂದ ಸರ್ಕಾರಕ್ಕೆ ಕಂದಾಯವನ್ನು ಪಾವತಿಸಿರುವ ರಸೀದಿಗಳನ್ನು ಅರ್ಜಿದಾರರು ಹಾಜರುಪಡಿಸಿದ್ದರು. ಅರ್ಜಿದಾರರು ಸಾಗುವಳಿ ಮಾಡಿಕೊಂಡು ಬಂದಿದ್ದ ಜಮೀನಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಸರ್ಕಾರಕ್ಕೆ ಕಂದಾಯವನ್ನು ಪಾವತಿಸಿರುವ ರಸೀದಿಗಳನ್ನು ಪರಿಶೀಲಿಸಿದ ಸಹಾಯಕ ಆಯುಕ್ತರು ಅರ್ಜಿದಾರರು ಸಾಗುವಳಿ ಮಾಡಿಕೊಂಡು ಬಂದಿದ್ದ ಜಮೀನಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಒಟ್ಟು 50/- ರೂಪಾಯಿಗಳ ಕಂದಾಯವನ್ನು ಪಾವತಿಸಿರುವುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಂಡಿದ್ದರು. ಅರ್ಜಿದಾರರು ಸಾಗುವಳಿ ಮಾಡಿಕೊಂಡು ಬಂದಿದ್ದ ಜಮೀನಿಗೆ ಸಂಬಂಧಿಸಿದಂತೆ ಕಂದಾಯವನ್ನು ಪಾವತಿಸಿರುವುದನ್ನು ಖಚಿತಪಡಿಸಿಕೊಂಡ ಸಹಾಯಕ ಆಯುಕ್ತರು ಅರ್ಜಿದಾರರಿಗೆ ಸಾಗುವಳಿ ಚೀಟಿಯನ್ನು ನೀಡಿದ್ದರು.

ಸೇವೆಯಲ್ಲಿ

ಶ್ರೀ ಸಿದ್ಧಲಿಂಗಯ್ಯ ಹಿರೇಮಠ

ಮುಖ್ಯೋಪಾಧ್ಯಾಯರು

ಸರ್ಕಾರಿ ಪ್ರೌಢಶಾಲೆ ಕಲ್ಲೂರು

ವಿಷಯ: ಒಂದು ದಿನದ ಸಾಂದರ್ಭಿಕ ರಜೆ ಮಂಜೂರಾತಿ ಕುರಿತು.

ಮಾನ್ಯರೇ,

ನಾನು ಈ ಶಾಲೆಯಲ್ಲಿ ಸಹಶಿಕ್ಷಕಿಯಾಗಿ ಕಾರ್ಯನಿರ್ವಹಿಸುತ್ತಿದ್ದೇನೆ. ನನ್ನ ಮಗಳು ಕು. ಸಾನ್ವಿ ಇವಳಿಗೆ ದಿನಾಂಕ 21-1-32 ರಂದು ಬೆಳಿಗ್ಗೆ 10 ಗಂಟೆಗೆ ಕಲ್ಲೂರಿನಲ್ಲಿ ಹುಡುಗಿ ನೋಡುವ ಕಾರ್ಯಕ್ರಮ ನಿಗದಿಯಾಗಿದೆ. ಆದ್ದರಿಂದ ಅಂದು ನಾನು ಹಾಜರಿರಬೇಕಾಗಿದೆ. ಆದ್ದರಿಂದ ದಿನಾಂಕ 21/1/32 ರಂದು ನನಗೆ ಒಂದು ದಿನದ ಸಾಂದರ್ಭಿಕ ರಜೆ ಮಂಜೂರು ಮಾಡಲು ಕೋರಿಕೊಳ್ಳುತ್ತೇನೆ.

ವಂದನೆಗಳೊಂದಿಗೆ,

ತಮ್ಮ ವಿಶ್ವಾಸಿ,

ಸಹಶಿಕ್ಷಕಿ

ದಿನಾಂಕ: 21/3/32

ಕರ್ನಾ I HT ANNAS 2T- ಟಕ

From,

The Mysore Commissioner
in Mysore, Bangalore

To,

The Deputy Commissioner
Hassan district
Hassan.

No. D2 Dis 3.87 31-32
Despatched 12-1-32

Sir,

With reference to your letter No. C 80-31, dated 7th August 1931 re the remission of gutta amount due to Sri Nagesswaraswamy temple at Navile village, Anaki hobli in Chenna-rayapatna taluk, I have the honor to observe that the lessees who have entered into an agreement for 5 years' lease in respect of the lands in question in public auction, being local men must be presumed to have known each land well at the time of bidding, and this could not have bid for useless lands. If the crops failed it must have been due to their negligence. As there is no valid ground for re-mission and it will be a bad precedent for other lessees, the remission asked for cannot be

granted.

I request you thereupon proceed immediately for the recovery of the arrears in question.

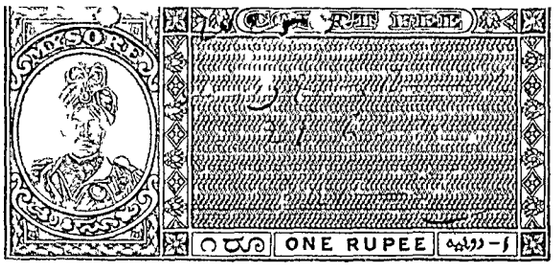
The entire file of connected records accompanies.

I have &c
d/ T. Ramanya
Tahsildar. Comr

Copy applied for by Mr. N. Nagappa
4-3-32

Copy ready on 8.4.32
Copy despatched on 8.4.32.
No. of words
Copying &c 0-4-0
Copied by Jagannadas
Compared by

Copy
S. Venkatachalam
Manager
Munsi. Com's office
9/4/32



ಒರೂ ONE RUPEE ಒರೂ

ಕೋರ್ಟ್ ಗೆ.

ಸನ್ 19 —19 ನೇ ಇಸವಿ

ವಾದಿ

ಮೊಖದ್ದಮಾ ನಂಬರು

ಪ್ರತಿವಾದಿ

VS.

ಸುಃ ರಾಃ H. Srinivasa Rao M.A.,

ಒರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್ತನಾಮೆ.

ಮೇಲ್ಕಂಡ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಫೀರುವರಿವಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸಲಿಕ್ಕೂ, ನನ್ನ ಪರವಾಗಿ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರ್‌ಗಳನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲುನಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ಕೋರ್ಟಿನಿಂದ ನನಗೆ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗನ್ನೂ, ಶಿಲ್ಕು ಮೊಬಲಗು ಮುಂತಾದ ರೀತಿಯಲ್ಲಿರುವ ಸ್ವಾಧೀನವನ್ನು ಪಡೆಯುವಿಕ್ಕೂ ದಸ್ತಾವೈಜು ಪತ್ರೆರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ಈ ಮೂಲಕ ತಮಿಗೆ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ.

ಈ ಆಧಾರದ ಮೇಲೆ ತಾವಾಗಲಿ ಅದವಾ ತಮಗೋಸ್ಕರ ಮುಕ್ತಾರ ಮುಕ್ತಾರವನಲಿ ನಿಂತೂ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಕೆಲಸಗಳನ್ನೂ ನಾನು ಮುದ್ದು ಮಾಡಿ ಮಾಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ನಿಶ್ಚಯ ನಾಗಿಧೇನೆ.

ತಾರೀಖು 14/6/1932 } ರುಜು

ಈ ವೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿಧೇನೆ

ತಾರೀಖು 25/6/32

{ ಈ ವೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಕೊಹಿನೂರ್ ಪ್ರೆಸ್, ಮೈಸೂರು.

App. F. G. 9]

GOVT. OF H. H. THE MAHARAJA OF MYSORE.

Mg 308-31-2

GEN. & REV. SECRETARIAT.

To be filed

OFFICIAL MEMORANDUM.

28/7/32

No.. .....

Misc appeal No 25 of 31-32

The accompanying Petition Registered

No. K.18 ... dated . 25/6/32

received at the General and Revenue Secretariat from filed by Mr. H. Srinivasa Rao Advocate B'lore on behalf of his clients M. Nagappa and M. Narasimha of Narike Village Channarayapatna Tk Appealing against the order of the D.C. in the matter of payment of the garden dues in respect of the lands on account of lands granted to the Nagappa-Gowda of the Place

is forwarded, together with its enclosures to the D.C. .....

.....

.....for Stay of Proceedings with the case & also for grant of crops raised in the said Tk Continuously for 5 yrs when the issue is pending in the Civil Court

of a detailed report on the several points raised in the petition together with the entire records.

By Order,

Secretary.

27/6/32

BANGALORE,

27/6/ 1932

P. T. O

.....ಹೋಬಳಿ

. ...ಗ್ರಾಮದಲ್ಲಿರುವ

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ಆರ್ಡರ್ಸ್ ಹುಕುಂ.

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ವಿಷಯದಲ್ಲಿ ನೀವು ಗುಜರಾಯಿಸಿಕ್ಕೊಂಡ..... .. ..

ಮರ್ಕುಮಿನ ಅರ್ಜಿಯನ್ನ..... ..... ಬಗ್ಗೆ

....

.....ರವರ ಖಳಿಗೆ ಕಳುಹಿಸಿದ

ಬೆಂಗಳೂರು

By Order.

Secretary.

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,

Bangalore, 16th October *193*

14

FROM

S. P. RAJAGOPALACHARI, ESQ., B.A., B.L.,
Muzrai Commissioner in Mysore.

To

Mog 308-31-3.

J. Richards, Esquire, B.A.,

Secretary to Government of His Highness
the Maharaja of Mysore,
Finance and Revenue Department.

GENL. & REV. DEPT.
447
17. OCT. 1932
MUZRAI.

SIR,

In reply to your letter No. R.Z./408-31-2 dated 8th July 1932 calling for a report in the matter connected with the appeal petition of [illegible] against the order passed in Case Taluk, I have the honour to state that the records [illegible] of such other connected papers in O.C.35/32-33 [illegible] 1932 and I have the honour to state that the case are given [illegible] this office letter No. Rts.387/3-32 dated [illegible].

The appellants in this case are in possession of 3 acres [illegible] to Sri Nagoor Pasha Saheb of Mavale, on lease for 5 years from 1927 for an annual rent of Rs.20/-. [illegible] very beginning [illegible] on one of the boundaries. Permission was, I find, refused by the Amildar and [illegible] the Collector, but [illegible] the Commissioner on the second appeal. The order of remission was passed on the second appeal in February 1931 in which the land is described as [illegible] by the shade of trees and as such is lying fallow for [illegible]. On the very face of it, the ground is [illegible] as such as the appellants took the lands [illegible] does not deserve [illegible] failed because they [illegible] properly well looked after, they take the consequences. The remission [illegible] by the appellants is not, under any circumstances, [illegible]

e now appealed before Govern ent.

The appeal petition is returned herewith.

I have the honor to be

Sir,

Your most obedient servant,

for Luzrai Commissioner.

Before the Government of His Highness the Maharaja of Mysore.

Misc. Appeal No 15 of 1931.

Appellant Vs. Respondent

Petitioners.

Papaiah
and
Parasimhaiya
of Kavile village, Mysore.
Chamarajapuram &c.

Subject.

Appeal against the order of [illegible] refusing to sanction the remission of [illegible] on account of [illegible].

[illegible]

[illegible]

[illegible]

G.O. No. 999 / Misc 308-31-4 Secy 2 file.

[illegible]

[illegible]

[illegible]

[illegible]

GPB—1,000—S 8-11 [illegible] Financial

Before the Government of His Highness the Maharaja of Mysore.

Mug Appeal No. 25 of 1931-32

~~Appellant~~ —Vs— ~~Respondent~~

Petitioners

M. Nagappa
&
M. Narasimhaiya
of Navile Village Bagur Hobli
Channarayapatna Tk.

Subject.

Appeal against the ~~order~~ declining to sanction the ~~grant of remission~~ remission of the Panchasal quota amount due for Navile village Cauvery irrigated lands for Fasli Nagathavanamavasi (cowtail) ~~for~~ the year 1926-27 to the end of 1930-31.

The case was called on 10th Dec 1932.
The petitioners were present and were heard.

Order

~~Govt~~ no reason to modify order of the M.C.

1000, Mug 308-31 $\frac{10}{1/33}$

Copy to M. Nagappa S/o Navile village Bagur Hobli Channarayapatna Tk.

M. Narasimhaiya

GPB—1,000—8 S 11

For Secretary
Defence

Copy to M.E. returning record
received with letter No C 33/32-33 dt
14/10/32.

B.O

HS

For Secretary
Defence

GS
SE IC

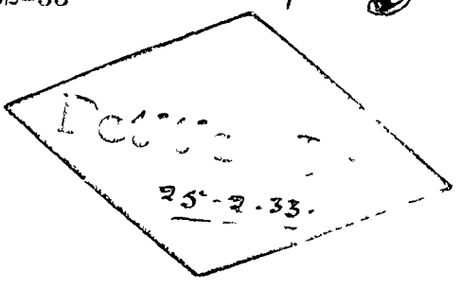
BEFORE THE GOVERNMENT OF HIS HIGHNESS THE

MAHARAJA OF MYSORE, BANGALORE.

Mis. Revieve Application No. 18/32-33

Muz 308-31-5

Muzrai Appeal No.25/1931-1932.



1. Nagappa.
2. M.Narasimhiah of Navile Village, Bagur Hobli, Channarayapatna Taluk, Hassan District. Appellants in Muz.Appeal No.25/31-32. . . . . Petitioners.

The petitioners prefer to file this Mis.Rev. Application on the order in Murai Appeal No.25 of 1931-32 for the following reasons:-

Facts of The Case.

1. The six Muzrai Inam lands endowed for the up-keep of Sree Nageswarasami Temple in the Navile Village, Channarayapatna Taluk, were put up for sale on 26-1-26 for five years commencing from 1926-27 to the end of 30-31 and the petitioners got them by the highest bid. The possession of the land was delivered about March 1926. There was also a condition in the sale that the petitioners were to execute a formal - lease deed on a Bond paper within a month from the date of sale along with other conditions.

2. That as soon as the possession delivered the petitioners exerted their best to bring the lands unde cultivation, but unfortunately two of the lands, viz,

Survey Nos.132 and 77 were quite unfit for cultivation and the tanks also did not receive sufficient waters to irrigate the two lands which were unfit and incapable of cultivation from time immemorial and consequently were banjar. The petitioners had to suffer much loss besides being burdened with Gutta and Taxes. The Amildar failed to render the help asked for water by the petitioners. The petitioners submitted their Razinama in July 1927 for the lands and they were driven to refuse to execute the formal lease deed for the said reasons, and the Muzrai Authorities also were, by Amildar's report and by personal inspection, fully satisfied about the reasonableness of the petitioners' request to grant the remission or to accept the Razinama. Till 26-8-1928 they went on promising to grant remission and all the officers from the Taluk Amildar to the Deputy Commissioner, recommended the remission for the aforesaid reasons and the petitioners relying on their promises delayed pressing of their Razinama and the Deputy Commissioner of Hassan issued an Endorsement No.L.Dis. P.C.2003-27 Muz dated 21-8-28 stating that the Razinama could not be accepted during the operation of the lease and that he will have to pay the Gutta amount as per terms of the lease..

4. The lands that were taken up by the petitioners were put for sale more than three or four times before the said sale and thrice even after the termination of the period in June 1931 but failed to fetch any bidders; thus it may be clearly seen that the lands would not fetch any gutta nor or they of any use nor can they be sold.

4. The petitioner Nagappa who returned to the Village after undergoing training in the Hebbal Agricultural School, with a great zeal tried his level best to bring these lands under cultivation by all processes by spending a lot of money over the cultivation of the lands viz, S.Nos.132 and 77, as it could not be cultivated at all being "Anadi Banjar", the petitioners are in fact ruined by the lease. The damage caused was due unfortunately, to the seasonal conditions, utter usless nature of the soil, religious prejudice against Temple lands and want of cultivators in the village besides an apprehension that the petitioners were their rivals in agrarian matters and the consequent difficulty to bring them under cultivation. Even the latest several attempts, more than thrice, after the termination of the period to lease out the lands on the part of the Muzrai Officers have failed to induce bidders and the lands are not - leased out to any, even now.

5. The wet lands can be cultivated only with the aid of tank water. In 1928 when the tank received some water the village officials and the ryots under the tank mischievously obstructed the use of the water and the Amildar could do nothing to help, even though the petitioners applied to him for necessary help. Vide his application to Deputy Commissioner, dated 16-3-30.

6. The Local Muzrai Officers who witnessed the adverse conditions inflicted on the petitioners by the - above circumstances, were fully convinced of the bona fides on the part of the petitioners, unconditionally recommended the remission.

7. The Muzrai ~~Officers~~ Commissioner who were unaware of the conditions set at naught the opinions of the local officers and ordered for the recovery of the Gutta for the reasons:-

(a) that the petitioners were local men and were aware of the condition of the land;

(b) the failure of crops is due solely to the negligence of the petitioners;

(c) it would be a bad precedent for other lessees;

without giving an opportunity to the persons concerned, viz, petitioners, to explain their case, by a notice or by an endorsement. In fact the order of the Muzrai Commissioner was a surprising news to the petitioners. The reasons set out by the Muzrai Commissioner are inconsistent with actual facts, viz, the petitioner was undergoing training in the Hebbal Agricultural Farm at the time, the fact of negligence on the part of the petitioners, is baseless and opposed to the reports of the Local Muzrai Officers, the reason of bad precedent could not be applied since each application will have to be considered on its own merits, equity and justice tempered with mercy are the guiding principles of the Government of His Highness the Maharaja of Mysore, always.

8. That on this order the petitioners appealed to the Government, but unfortunately the full facts

were not allowed to be explained by their Counsel and even gave reasons to believe at the time of hearing - that the appeal would be allowed, and the Muzrai Commissioner who had signed the Office Note of the order under appeal had to sit in judgment in appeal over his previous orders, and thus the petitioners were consequently much handicapped.

WHEREFORE the petitioners beg to prefer this Review for the following reasons:-

(i) Since the formal lease deed required was not duly executed and registered as required by law and the conditions of the sale would not bind the petitioners and the Government are not entitled to their claim on the lease;

(ii) The lands are quite unfit inherently for cultivation and the tanks did not receive adequate supply of water for the raising of the proper crops and the petitioners have lost their manure, seeds and working expenses without deriving any benefit therefrom. The Village officers also restrained the cultivation by their mischief, when an opportunity occured to have it cultivated and the Amildar did not render the help asked for by the petitioner ~~and what~~ which he was bound to do.

(iii) The Muzrai Officers erred in not accepting the Razinama tendered by the petitioners after the sale and the fact of their refusal to accept the Razinama clearly goes to prove to poorness of the lands and their incapacity to yield any return.

(iv) The petitioners are ruined by the lease and are

working under great hardships in the village by the risk they took and the consequent displeasure of the cultivating class in the village. Under similar circumstances the Revenue Officers have granted remission and the case of Muzrai Lands cannot stand on a higher basis. The reasons - assigned by the Muzrai Commissioner are unconvincing, not based on evidence and opposed to the avowed policy of the Government. The petitioner' should not be an object lesson to others and deter them from bidding Muzrai lands victimised for an unjust precedent policy which would discourage and deter persons from bidding in future sales.

(v) The order of the Benign Government is too severe, cruel and opposed to the facts and equities of the case and the law applicable thereto.

(vi) None would suffer by conceding the petitioners' prayers. In fact this is the most fit case for granting the remission prayed for by the petitioners and recommended also by all the District Muzrai Officers of the Hassan District.

WHEREFORE the petitioners humbly pray that they be mercifully given the remission recommended by the Deputy Commissioner Hassan District and - others who were in full knowledge of the difficulties of the petitioners ~~or accept their resignation~~.

B. Sambara Rao
Advocate
For Petitioners

Bangalore.
17th February 33.

ಕೋರ್ಟ್‌ಗೆ 31

ಪ್ರಮಾಣ ಶಿಕ್ಷೆಯ ಪ್ರಕಾರ ಪತ್ರಿಕೆ

TWO RUPEES ಪೈಸೆ

193 —ನೇ ನಂಬರು. 32-33

ವಾದಿ ಯಾ ಅರ್ಜೀದಾರ್. ಪ್ರತಿವಾದಿ ಯಾ ಅಪ್ಪೋನೇಂಟ್.

VS.

ಮ|| ರಾ||.....ಗೆ

ಬರಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಖೈರುವರಿವಿಗೂ ಕೋರ್ಟ್‌ನಲ್ಲಿ ವಿವಾದ ಜರುಗಿಸುವುದಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರ್‌ನ್ನೂ, ಡಿಕ್ರಿಯನ್ನೂ, ಜಾರಿ ಕ್ರಮ ನಡೆಸಿ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟ್‌ನಿಂದ ಸಲ್ಲಬೇಕಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು, ಶಿಲ್ಕು ಮೊಬಲಗು ಸಹ ಪಡೆಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡೆಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ. ಆಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೋ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನಡೆಸುವ ಎಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡೆಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇದ್ದೇನೆ.

ತಾರೀಖು

ರುಜು

ಈ ಮೊಖ್ತ್ಯಾರು ನಾಮಾ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ತರಾಗಿ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಖ್ತ್ಯಾರು ನಾಮಾ ಅಂಗೀಕರಿಸಿ ಇದ್ದೇನೆ

B. Samhara Rao

17/2/33

ಸಿಟಿ ಮೆಡಿಕಲ್ ಅಂಡ್ ಜನರಲ್ ಏಜನ್ಸಿ, ಚಿಕ್ಕಪೇಟೆ, ಬೆಂಗಳೂರು ಸಿಟಿ.

ಮಕ್ಕಳ ಪುಸ್ತಕ ಪ್ರೆಸ್, ಬಿ, ಸಿಟಿ.

341

Mwz 308-31-b

15th March 1933.

Messrs. Nagappa and Hanumaiah
of Kavile village, Bagur Hobli,
Chamarajapatna Taluk, Hassan District.

With reference to their petition dated 17th February 1933 praying for revision of the decision in Murrai Appeal No. 1 of 1932, the petitioners are informed that there can be no revision of the orders already passed in the matter.

By order,

Memo 1343 dt 16-3-33 for Financial Secretary to Govt.
Copy to m-c in continuation of this office memo No 999 / Mwz 308-31-4 dt 10-1-33.
R-O

Memo No 1342 dt 16-3-33. for H See
Copy to Mr. B. Shankara Rao Advocate Kirkupetehmas.
R-O

GS for H See

Section Mem C

File No. 308-31

Serial No. 6

Diary No. of letter replied to .....

No. 1349

To

Messrs Nagabha & M. Narasimha

of Nanile Village - Bagur Hobli

Channarayapatna Tk. Hassan Dt

In reply to their petition of 14.2.23

praying for a review of the decision

in Mem A 1871 25 of 31-32 ~~re the~~

~~revision of a portion of Personal~~

~~Gratia account of lands belonging~~

~~to Sri Nagesha and the~~ ~~to be~~

~~taken them~~

~~Nanile Village from Fasli~~

~~to Fasli for the year 1926-27~~

the petitioners

~~Messrs Nagabha & M. Narasimha~~

~~of Nanile Village - Channarayapatna~~

~~Hobli Tk~~ are informed that

there are no reasons to

recommend the case to the Government

in the matter

~~a case to be sent to the Government~~

~~for orders~~

Date of issue 16/3/23

Signed by B. Muddukrishnappa

List of enclosures .....

Copied by .....

Examined by .....

General and Revenue Secretariat

( )

the 193

Copy to — Mr B. Sankara Rao ~~B.A. B.L~~
Advocate Bangalore City for
the Petitioners —

B. O

14/3
for H.C.C.

1343 of 16—3-33
Copy to M.C. in continuation of this
office memo no 999, May 30d-31-4
D 1071 / 33

B. O
14/3
for H.C.C.

C.S. MP
13/3